

Message Text

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OES-06 L-03 AF-08 ARA-06 EA-07 NEA-10 TRSE-00 SAJ-01

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INFO USMISSION USBERLIN

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C O N F I D E N T I A L SECTION 01 OF 03 BONN 12476

E.O. 11652: GDS

TAGS: PGOV PORG IMCO WB GW US UK UR GE FR

SUBJECT: SOVIET STATEMENT IN IMCO ON FRG OFFICE LOCATED
IN BERLIN

SUMMARY. FRG HAS INFORMED ALLIES IN BONN GROUP OF
SOVIET, POLISH AND GDR STATEMENTS IN INTERGOVERNMENTAL
MARITIME CONSULATIVE ORGANIZATION (IMCO) SUB-COMMITTEE
MEETING. STATEMENTS ASSERTED THAT THE FRG OFFICE FOR
MATERIALS TESTING WAS ILLEGALLY LOCATED IN BERLIN AND
THAT NO MENTION OF THIS OFFICE SHOULD BE MADE IN IMCO
DOCUMENTS. BONN GROUP HAS AGREED AD REF
ON A RESPONSE AND UK REP IS ASKING LONDON ABOUT IMCO
MODALITIES. END SUMMARY.

1. FRG HAS INFORMED ALLIED REPS IN BONN GROUP OF
STATEMENT WHICH SOVIETS MADE IN JULY 9 MEETING IN LONDON
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OF IMCO SUB-COMMITTEE ON CARRIAGE OF DANGEROUS GOODS.
ALLIES WERE ALSO INFORMED OF STATEMENTS MADE BY GDR

AND POLISH REPS DURING COURSE OF SAME MEETING. POINT OF STATEMENTS IS THAT THE FRG OFFICE FOR MATERIALS TESTING (OMT) IS LOCATED ILLEGALLY IN BERLIN AND THERE SHOULD BE NO MENTION OF OMT IN ANY IMCO OFFICIAL DOCUMENTS. TEXT OF SOVIET STATEMENT IS GIVEN IN PARA 3 BELOW, AND GDR STATEMENT IN PARA 4. POLISH STATEMENT, WHICH APPARENTLY SIMPLY AGREED WITH SOVIET POINTS, IS NOT AVAILABLE HERE.

2. SOVIET AND POLISH STATEMENTS HAVE BEEN PUBLISHED IN MINUTES OF SUB-COMMITTEE, AND GDR STATEMENT HAS BEEN CIRCULATED BY IMCO SEC GEN.

3. SOVIET STATEMENT. BEGIN TEXT.

MR. CHAIRMAN.

IN VIEW OF PAPERS DISTRIBUTED AT THE PREVIOUS SESSION OF THIS SUB-COMMITTEE, THE DELEGATION OF THE USSR WOULD LIKE TO DRAW YOUR ATTENTION TO EFFORTS UNDERTAKEN BY THE FEDERAL REPUBLIC OF GERMANY TO INVOLVE THE FEDERAL DEPARTMENT FOR TESTING MATERIALS WHICH IS LOCATED ILLEGALLY IN BERLIN (WEST) INTO THE ACTIVITIES OF THE IMCO SUB-COMMITTEE ON THE CARRIAGE OF DANGEROUS GOODS. THE SOJOURN OF THE ABOVE-MENTIONED DEPARTMENT IN BERLIN (WEST) CONTRADICTS THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 WHICH STATES THAT BERLIN (WEST) IS NOT A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND MUST NOT BE GOVERNED BY IT.

AS AN ARRANGEMENT UNDER EXISTING INTERNATIONAL LAW, THE QUADRIPARTITE AGREEMENT SHOULD BE GIVEN DUE RESPECT AND IMCO SHOULD NOT CONSTITUTE AN EXCEPTION. BY VIRTUE OF THIS FACT, THE USSR DELEGATION DECLARES THAT IT DOES NOT RECOGNIZE THE AUTHORITY OF THE OFFICERS OF THE FEDERAL DEPARTMENT FOR TESTING MATERIALS OF THE FEDERAL REPUBLIC OF GERMANY WHO ATTEND SESSIONS OF THE SUB-COMMITTEE, AS OFFICIAL REPRESENTATIVES OF THE FEDERAL
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REPUBLIC OF GERMANY, AND DOES NOT WISH TO HAVE ANY ASSOCIATION WITH THOSE OFFICERS.

ACCORDINGLY, THE USSR DELEGATION INSISTS UPON THE EXCLUSION OF ANY MENTION FROM OFFICIAL DOCUMENTS OF THE ORGANIZATION OF THE FEDERAL DEPARTMENT OF TESTING MATERIALS OF THE FEDERAL REPUBLIC OF GERMANY.

EMPHASIZING THE UNLAWFUL ACTION OF THE FEDERAL REPUBLIC OF GERMANY, THE USSR DELEGATION EXPECTS THOSE,

UPON WHOM IT DEPENDS, TO TAKE APPROPRIATE STEPS, HENCE-
FORTH, TO PREVENT THE ABUSE OF THE POWER OF THE ORGANI-
ZATION FOR PURPOSES WHICH HAVE NOTHING IN COMMON WITH
THE OBJECTIVES IT IS ENTITLED TO ACHIEVE.

THE USSR DELEGATION REQUESTS THE IMCO SECRETARIAT

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TO CIRCULATE THIS STATEMENT AS A DOCUMENT OF THE
TWENTY-SIXTH SESSION OF THIS SUB-COMMITTEE AND ALSO TO
INCLUDE ITS MAIN PROVISIONS IN THE REPORT TO THE
MARITIME SAFETY COMMITTEE. END TEXT.

4. GDR STATEMENT. BEGIN TEXT.

THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL
MARITIME CONSULTATIVE ORGANIZATION PRESENTS HIS
COMPLIMENTS TO THE MINISTER FOR FOREIGN AFFAIRS OF THE
FEDERAL REPUBLIC OF GERMANY.

HE HAS THE HONOR TO STATE THAT DURING A VISIT TO
THE IMCO SECRETARIAT ON 29 JUNE 1976 THE MINISTER
PLENIPOTENTIARY OF THE EMBASSY OF THE GERMAN DEMOCRATIC
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REPUBLIC IN LONDON PRESENTED A STATEMENT FROM THE
GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC AS
FOLLOWS:

"IN ACCORDANCE WITH THE QUADRIpartite
AGREEMENT OF 3 SEPTEMBER 1971 BERLIN (WEST)
IS NO CONSTITUENT PART OF THE FEDERAL REPUBLIC
OF GERMANY AND MUST NOT BE GOVERNED BY IT.
ACCORDINGLY, THE ACTIVITIES OF THE
BUNDESANSTALT FUER MATERIALPRUEFUNG, WHICH
ILLEGALLY EXERCISES OFFICIAL AUTHORITY OF THE
FRG IN BERLIN (WEST), ARE INCONSISTENT WITH
THE QUADRIpartite AGREEMENT.

"THE ATTEMPT TO INCLUDE THE BUNDESANSTALT FUER
MATERIALPRUEFUNG IN THE ACTIVITIES OF THE
IMCO SUB-COMMITTEE ON THE CARRIAGE OF
DANGEROUS GOODS IS DIRECTED AGAINST DETENTE
AND COOPERATION AND IS INCOMPATIBLE
WITH THE AIMS AND FUNCTIONS OF IMCO AND
WITH THE QUADRIpartite AGREEMENT.

"IT IS OBVIOUS THAT THE INCLUSION OF THE
BUNDESANSTALT FUER MATERIALPRUEFUNG IN THE
ACTIVITIES OF THE IMCO CONSTITUTES AN
ATTEMPT TO MAKE USE OF THIS SPECIALIZED
AGENCY OF THE UNITED NATIONS IN ORDER TO
LEGALIZE THE EXISTENCE AND ACTIVITIES
OF FRG INSTITUTIONS IN BERLIN (WEST).

"IN PRESENTING ITS STANDPOINT THE GDR IS
GUIDED BY THE DESIRE THAT FRUITFUL COOPERATION
IN THE SUB-COMMITTEE ON THE CARRIAGE OF
DANGEROUS GOODS SHOULD NOT BE DISTURBED BY
STEPS DIRECTED AGAINST THE QUADRIpartite
AGREEMENT OF 3 SEPTEMBER 1971."

THE MINISTER REQUESTED, ON BEHALF OF HIS
GOVERNMENT, THAT THE ABOVE STATEMENT BE CIRCULATED
TO ALL MEMBER GOVERNMENTS OF IMCO. IN ACCORDANCE WITH
THIS REQUEST, THE SECRETARY-GENERAL HAS THE HONOR TO

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SUBMIT THE STATEMENT OF THE GOVERNMENT OF THE GERMAN
DEMOCRATIC REPUBLIC TO GOVERNMENTS FOR THEIR
INFORMATION AND ACTION, AS MAY BE APPROPRIATE.

14 JULY 1976.

END TEXT

5. BONN GROUP AD REF AGREED RESPONSE. BEGIN TEXT.

MY DELEGATION WISHES TO REFER TO THE STATEMENT MADE
BY THE DELEGATION OF THE USSR IN THIS SUB-COMMITTEE ON
9 JULY 1976 ABOUT THE FEDERAL DEPARTMENT FOR TESTING
MATERIALS.

MY DELEGATION REGRETS THAT THE USSR DELEGATION
HAS CHOSEN TO RAISE A MATTER OF A PURELY POLITICAL
NATURE IN THIS TECHNICAL SUB-COMMITTEE.

THE CONTENTION OF THE USSR DELEGATION THAT THE
LOCATION OF THE FEDERAL DEPARTMENT FOR TESTING MATERIALS
IN THE WESTERN SECTORS OF BERLIN CONTRAVENES THE
PROVISIONS OF THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER
1971 IS WITHOUT FOUNDATION. THE LOCATION OF THE FEDERAL
DEPARTMENT FOR TESTING MATERIALS WAS APPROVED IN 1954
BY THE BRITISH, FRENCH AND UNITED STATES AUTHORITIES
ACTING ON THE BASIS OF THEIR SUPREME AUTHORITY. THEY
ARE SATISFIED THAT THE FEDERAL DEPARTMENT FOR TESTING

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MATERIALS DOES NOT PERFORM IN THE WESTERN SECTORS OF
BERLIN ACTS IN EXERCISE OF DIRECT STATE AUTHORITY OVER
THE WESTERN SECTORS OF BERLIN. NEITHER THE LOCATION NOR
THE ACTIVITIES OF THAT OFFICE IN THE WESTERN SECTORS
OF BERLIN, THEREFORE, CONTRAVENE ANY OF THE PROVISIONS
OF THE QUADRIPARTITE AGREEMENT. CONSEQUENTLY, THERE
IS NO BASIS FOR THE REQUEST OF THE USSR DELEGATION
THAT NO MENTION BE MADE IN OFFICIAL DOCUMENTS OF THE
ORGANIZATION OF THE FEDERAL DEPARTMENT OF TESTING
MATERIALS.

THE STATEMENT OF THE USSR DELEGATION TO WHICH I
REFER CONTAINED AN INCOMPLETE AND CONSEQUENTLY MISLEADING
REFERENCE TO THE QUADRIPARTITE AGREEMENT. THE RELEVANT
PASSAGE OF THAT AGREEMENT TO WHICH THE SOVIET DELEGATION
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REFERRED PROVIDES THAT THE TIES BETWEEN THE WESTERN
SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY
WILL BE MAINTAINED AND DEVELOPED, TAKING INTO ACCOUNT
THAT THESE SECTORS CONTINUE NOT TO BE A CONSTITUENT
PART OF THE FEDERAL REPUBLIC OF GERMANY AND NOT TO BE
GOVERNED BY IT.

REGARDING THE STATEMENTS MADE BY THE DELEGATIONS
OF THE GERMAN DEMOCRATIC REPUBLIC AND POLAND, MY
DELEGATION WISHES TO POINT OUT THAT STATES WHICH ARE NOT
PARTIES TO THE QUADRIPARTITE AGREEMENT ARE NOT COMPETENT
TO COMMENT AUTHORITATIVELY ON ITS PROVISIONS.

END TEXT.

6. UK BONN GROUP REP IS ASKING THE FCO TO LOOK INTO MATTER OF MODALITIES FOR MAKING RESPONSE. SINCE THE IMCO SUB-COMMITTEE MEETING IS OVER, WE THINK THAT NOTE TO IMCO SEC GEN FROM ONE OF ALLIES REQUESTING ON BEHALF OF THE THREE CIRCULARIZATION OF REPLY WILL BE BEST METHOD. WE BELIEVE UK IS MOST APPROPRIATE OF THE THREE TO SEND SUCH A REQUEST. PARAS ONE AND TWO OF THE REPLY WOULD, OF COURSE, NEED TO BE MODIFIED.

7. ACTION REQUESTED: DEPARTMENT APPROVE REPLY IN PARA 5 ABOVE, AND AGREE TO MODALITIES OUTLINED PARA 6. IF LONDON SUGGESTS VASTLY DIFFERENT MODALITIES, WE WILL SEEK GUIDANCE.
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